

**SENATE, No. 252**

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**STATE OF NEW JERSEY**

**211th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Senator JOSEPH CONIGLIO**

**District 38 (Bergen)**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Assemblyman PATRICK DIEGNAN, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senator Cunningham, Assemblymen Chivukula, R.Smith, Egan, Gibson  
and Conaway**

**SYNOPSIS**

Affords exemption from "deadly force" justification standards for police using less-lethal ammunition.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety and Veterans' Affairs Committee with technical review.

(Sponsorship Updated As Of: 12/13/2005)

1 AN ACT concerning the use of certain ammunition by law enforcement  
2 officers and amending N.J.S.2C:3-11.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.2C:3-11 is amended to read as follows:

8 2C:3-11. Definitions. In this chapter, unless a different meaning  
9 plainly is required: a. "Unlawful force" means force, including  
10 confinement, which is employed without the consent of the person  
11 against whom it is directed and the employment of which constitutes  
12 an offense or actionable tort or would constitute such offense or tort  
13 except for a defense (such as the absence of intent, negligence, or  
14 mental capacity; duress, youth, or diplomatic status) not amounting to  
15 a privilege to use the force. Assent constitutes consent, within the  
16 meaning of this section, whether or not it otherwise is legally effective,  
17 except assent to the infliction of death or serious bodily harm.

18 b. "Deadly force" means force which the actor uses with the  
19 purpose of causing or which he knows to create a substantial risk of  
20 causing death or serious bodily harm. Purposely firing a firearm in the  
21 direction of another person or at a vehicle, building or structure in  
22 which another person is believed to be constitutes deadly force unless  
23 the firearm is loaded with less-lethal ammunition and fired by a law  
24 enforcement officer in the performance of the officer's official duties.  
25 A threat to cause death or serious bodily harm, by the production of  
26 a weapon or otherwise, so long as the actor's purpose is limited to  
27 creating an apprehension that he will use deadly force if necessary,  
28 does not constitute deadly force.

29 c. "Dwelling" means any building or structure, though movable or  
30 temporary, or a portion thereof, which is for the time being the actor's  
31 home or place of lodging except that, as used in 2C:3-7, the building  
32 or structure need not be the actor's own home or place of lodging.

33 d. "Serious bodily harm" means bodily harm which creates a  
34 substantial risk of death or which causes serious, permanent  
35 disfigurement or protracted loss or impairment of the function of any  
36 bodily member or organ or which results from aggravated sexual  
37 assault or sexual assault.

38 e. "Bodily harm" means physical pain, or temporary disfigurement,  
39 or impairment of physical condition.

40 f. "Less-lethal ammunition" means ammunition approved by the  
41 Attorney General which is designed to stun, temporarily incapacitate  
42 or cause temporary discomfort to a person without penetrating the  
43 person's body. The term shall also include ammunition approved by

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 the Attorney General which is designed to gain access to a building or  
2 structure and is used for that purpose.

3 (cf: P.L.1987, c.120, s.3)

4

5 2. This act shall take effect immediately.